

SUNDAY, JUNE 24, 2001

FIFTY-FOURTH LEGISLATIVE DAY

The House met at 4:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Patton.

Representative Patton led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....96

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Tidwell; illness.

Representative Todd; illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 397: Rep(s). Ridgeway as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Sharp was/were removed as sponsor(s) of **House Joint Resolution No. 397**.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 2020** -- Utilities, Utility Districts – House Calendar and Rules Committee

CONSENT CALENDAR

House Joint Resolution No. 578 -- Memorials, Death - Lizzie Mai Ridley Morton. by *Langster, *Pruitt, *Jones, S., *Bowers, *DeBerry L, *Curtiss, *Odom, *Turner (Davidson), *Brown, *Armstrong, *Tindell.

House Bill No. 2033 -- Lebanon - Subject to local approval, establishes departments of public safety and community service. Amends Chapter 644 of the Private Acts of 1911; as amended. by *Bone. (SB1995 by *Rochelle)

House Bill No. 2035 -- Maury County - Subject to local approval, enacts "Curfew for Maury County Minors Act of 2001.". by *Sands, *White. (SB1997 by *Blackburn)

Rep. Langster moved that all members voting aye on House Joint Resolution No. 578 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes	0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Joint Resolution No. 576** -- Constitutional Amendments - Proposes amendment to Article II, Section 24, to limit state tax revenues to 6 percent of state's economy unless governor declares emergency and declaration is ratified by three-fifths of each house. by *Buck, *Walker, *Head, *Newton, *Naifeh, *Ridgeway, *Fitzhugh, *Maddox.

Further consideration of House Joint Resolution No. 576 previously considered on June 23, 2001, at which time it was read for the first constitutional reading and reset for today's Calendar.

Rep. Buck requested that the Clerk read House Joint Resolution No. 576 for the second Constitutional reading, according to the Tennessee Constitution.

The Clerk read House Joint Resolution No. 576.

Rep. Buck moved that House Joint Resolution No. 576 be reset for the Regular Calendar on June 25, 2001, for third reading, which motion prevailed.

***House Joint Resolution No. 397** -- Constitutional Amendments - Limits appropriations for general expenditures from state tax revenues to 6 percent of state's annual economy; revenues received in excess of such limitation to be rebated to taxpayers or used to fund reserve for revenue fluctuations. by *Walker, *Kisber, *Head, *Davidson, *McDaniel, *Boyer, *Newton, *Curtiss, *Wood, *Scroggs, *Ford S, *McKee, *McCord, *Kent, *Buck, *Cole (Carter), *Rinks, *Turner (Hamilton), *Bone, *Bittle, *Sargent, *Maddox, *Fitzhugh, *Patton.

Further consideration of House Joint Resolution No. 397, as amended, previously considered on June 23, 2001, at which time the House adopted Amendment(s) No(s). 1, it was read as amended for the first constitutional reading and reset for today's Calendar.

Rep. Walker moved that House Joint Resolution No. 397, as amended, be adopted.

Rep. Walker moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Joint Resolution No. 397 By deleting from the directory language of the first resolving clause the language "by deleting the second paragraph of Article II, Section 24 in its entirety and by substituting instead the following language:" and by substituting instead the language "by adding the following language to Article II, Section 24 as a new paragraph immediately following the second paragraph:".

On motion, Amendment No. 2 was adopted.

Rep. Black moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Joint Resolution No. 397 By deleting in its entirety the first resolving clause, as amended, and by substituting instead the following language:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That a majority of all of the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that the Constitution of Tennessee be amended by inserting the following language in the second sentence of the second paragraph of Article II, Section 24 between the words "General Assembly" and the word "shall":

, by a two-thirds (2/3) vote,

Rep. Rhinehart moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes	55
Noes	34

Representatives voting aye were: Armstrong, Arriola, Bone, Bowers, Briley, Brown, Buck, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Davidson, Davis (Cocke), DeBerry L, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odum, Overbey, Phelan, Phillips, Pinion, Rhinehart, Ridgeway, Rinks, Roach, Shepard, Tindell, Towns, Turner (Hamilton), Turner (Davidson), Walker, West, White, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 55.

Representatives voting no were: Baird, Beavers, Bittle, Black, Boyer, Brooks, Bunch, Buttry, Clem, Davis (Washington), Dunn, Ford, Godsey, Goins, Hagood, Hargett, Harwell, Johnson, Langster, McCord, Montgomery, Mumpower, Patton, Pleasant, Pruitt, Rowland, Sargent, Scroggs, Sharp, Shaw, Stanley, Turner (Shelby), Vincent, Wood -- 34.

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Rep. Walker requested that the Clerk read House Joint Resolution No. 397, as amended for the second Constitutional reading, according to the Tennessee Constitution.

The Clerk read House Joint Resolution No. 397, as amended.

Rep. Walker moved that House Joint Resolution No. 397 be reset for the Regular Calendar on June 25, 2001, for third reading, which motion prevailed.

House Bill No. 1283 -- Taxes, Sales - Increases, from \$500 to \$750, threshold for exchange of sales and use tax transactions with other states under reciprocity agreement. Amends TCA Title 7; Title 12; Title 30; Title 57 and Title 67. by *Jones, S., *Garrett. (*SB1475 by *Dixon)

Further consideration of House Bill No. 1283 previously considered on June 23, 2001, at which time it was reset for today's Calendar.

Rep. S. Jones moved that House Bill No. 1283 be reset for the Regular Calendar on June 27, 2001, which motion prevailed.

ENGROSSED BILLS
June 24, 2001

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2033, 2035, also, House Joint Resolution(s) No(s). 578.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS
June 24, 2001

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 14, 144 and 165; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
June 24, 2001

The Speaker signed the following: House Resolution(s) No(s). 14, 144 and 165.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present.....97

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RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 1:30 p.m., Monday, June 25, 2001.